APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,820	04/04/2001	Eric J. Horvitz	MS150904.1	2915

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EXAMINER
YIMAM, HARUN M

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action **_Before the Filing of an Appeal Brief_**	09/825,820	HORVITZ ET AL.
	Examiner	**Art Unit**	
	Harun M. Yimam	2611	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>26 September 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: <u>_1-7,9-18 and 32-34_</u>.
Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-303 (Rev. 7-05)   Advisory Action Before the Filing of an Appeal Brief   Part of Paper No. 10052005

Continuation of 11. does NOT place the application in condition for allowance because: In response to applicant's argument that Maissel does not anticipate or suggest that a collaborative filtering system generates a recommendation specific to the user, the Examiner cites column 19, lines 27-38, 105 in figure 1, and column 12, lines 23-38 to support the claimed limitations, i.e., "a collaborative filtering system that employs the logged temporal history and disparate logged temporal history from a plurality of disparate database systems to generate a recommendation specific to the user based at least in part on information obtained from a plurality of users related to a particular one of the plurality of time subintervals". The Alert 100 cited in column 19, lines 27-38 that makes a recommendation to the user is similar to alert 105 in figure 1, which is an alert based on viewer behavior. Therefore, since every alert that makes a recommendation to the user is based on particular viewer behavior (column 19, lines 27-38, 105 in figure 1), the generated recommendation is specific to the user.

In response to applicant's argument that Maissel does not anticipate or suggest employing the logged temporal history and disparate logged temporal history from a plurality of disparate collaborative filtering systems to make a recommendation specific to the user, the Examiner cites column 12, lines 23-43, where the viewer preference profile comprises program characteristics of preferred programs viewed by a viewer at various time (disparate logged temporal history).

In response to applicant's argument that Maissel does not anticipate or suggest the rating information being from a plurality of disparate collaborative filtering systems, the Examiner cites (column 14, lines 38-46), where the collaborative filtering system (130-figure 1) that employs the logged temporal history and disparate logged temporal history from a plurality of disparate database systems to generate a recommendation specific to the user based at least in part on information obtained from a plurality of users (column 19, lines 27-46) related to a particular one of the plurality of time subintervals (column 12, lines 23-34) comprises a popularity filter.

In response to applicant's argument that Maissel does not anticipate or suggest a database system that logs temporal history related to a plurality of time subintervals that correspond to the viewing of the selected information, the Examiner cites (140 in figure 1, column 12, lines 23-26, and column 18, lines 4-21), where a database system is disclosed that logs selections of information viewed by a user of the information delivery system (column 14, line 67 - column 15, line 4) and logs temporal history related to a plurality of time subintervals that correspond to the viewing of the selected information (column 12, lines 26-28 and 40-45).

In response to applicant's argument that Maissel does not anticipate or suggest generating a recommendation based on one time subinterval out of a plurality of time subintervals, the Examiner cites column 12, lines 23-45, in which Maissel discloses that the viewer preference profile can include information obtained over a period of time on the various program characteristics of programs viewed by a viewer at various times (plurality of time subintervals) and that any length of time can be used (column 12, lines 23-34). Maissel explicitly discloses that the period of time may be as short as a few minutes or as long as a year or more.

In response to applicant's argument that Ferman does not make up for the aforementioned deficiencies of Maissel, the Examiner cites (paragraph 0285, lines 1-8 and paragraph 0307, lines 1-6), where Ferman discloses that a collaborative filtering system assigns a positive vote to logged selections that are viewed for a dwell time that exceeds a predetermined threshold. Ferman further discloses that the collaborative filtering system assigns a negative vote (paragraph 0307, lines 1-6) to logged selections that are viewed briefly and jumped away to another selection.

In response to applicant's argument that Hopple does not make up for the aforementioned deficiencies of Maissel, the Examiner cites (paragraph 0285, lines 1-8 and paragraph 0307, lines 1-6), where Hopple discloses a collaborative filtering model that is adapted to be trained according to time intervals that information has been viewed (column 5, lines 2-9 and 33-41)..

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